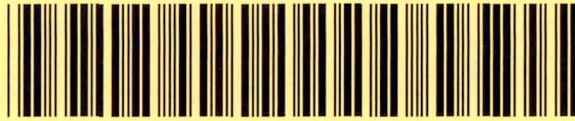


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DocumentID NONCD0002890

Site Name YARDS AT NODA

DocumentType Correspondence (C)

RptSegment

DocDate 3/8/2012

DocRcvd 3/9/2012

Box SF3078

AccessLevel PUBLIC

Division WASTE MANAGEMENT

Section SUPERFUND

Program IHS (IHS)

DocCat FACILITY

# RECEIVED

## Site Cleanup Questionnaire

MAR 9 2012

Remediating parties interested in volunteering should prepare this form with the assistance of an environmental consultant. All cooperative parties are eligible for Branch-approved remedial actions. Answer all questions, based on current information, and provide written descriptions where needed.

NCDENR Site Name, City and County YARDS AT NODA 400 E. 33RD ST. CHARLOTTE, MECKLENBURG

1. Is the site located on or immediately adjacent to residential property, schools, day-care centers or other sensitive populations? ☐ Y ☒ N  
If yes, please explain on a separate page. RESIDENTIAL: 127 FT  
DAYCARE: 960 FT  
SCHOOL: 2,274 FT
2. What is the distance (from site property line) to the nearest residence, school or day-care center? Please attach a map showing the site and nearest residence, school or daycare center. ☐ Y ☒ N  
SEE ATTACHMENTS
3. Is the site completely surrounded by a locked fence? ☐ Y ☒ N  
If no, please explain security measures at the site on a separate page. SEE ATTACHMENTS
4. Are site surface soils known to be contaminated? ☐ Y ☒ N  
If yes, or unknown, describe briefly on a separate page.
5. Is site groundwater known to be contaminated? ☒ Y ☐ N  
If yes, or unknown, describe briefly on a separate page. SEE ATTACHMENT
6. Is site sediment or surface water known to be contaminated? ☐ Y ☒ N  
If yes, or unknown, describe briefly on a separate page.
7. Has groundwater contamination affected any drinking water wells? ☐ Y ☒ N  
If yes, or unknown, please explain on a separate page.
8. What is the distance to the nearest downgradient drinking water well? UP GRADIENT 972 FT
9. What is the distance to the nearest downstream surface water intake? SEE ATTACHMENT FIGURES 7 & 8 Ø
10. Are hazardous vapors, air emissions or contaminated dust migrating into occupied residential, commercial or industrial areas? ☐ Y ☒ N  
If yes, or unknown, please explain on a separate page.
11. Have hazardous substances known to have migrated off property at concentrations in excess of Branch unrestricted-use remediation goals? ☐ Y ☒ N  
If yes, or unknown, please explain on a separate page.
12. Has the local community expressed concerns about contamination at the site? ☐ Y ☒ N  
If yes, or unknown, please explain on a separate page.
13. Based on current information, are there any sensitive environments located on the property (sensitive environments are identified in the Remedial Investigation Work Plans section of the IHSB "Guidelines for Assessment and Cleanup" at <http://portal.ncdenr.org/web/wm/sf/sfavailabledocs>)? ☐ Y ☒ N

If yes, or unknown, please explain on a separate page.



14. Based on current information, has contamination from the site migrated into any sensitive environments?

☐ Y ☒ N

If yes, or unknown, please explain on a separate page.

15. Do site contaminants include radioactive or mixed radioactive and chemical wastes?

☐ Y ☒ N

If yes, or unknown, please explain on a separate page.

### Remediating Party Certification Statement

After first being duly sworn or affirmed, I, STEVEN GUCCIARDI, hereby state that: I am over the age of eighteen, I am competent to make this certification based upon my own personal knowledge and belief, and, to the best of my knowledge and belief, after thorough investigation, the information contained herein is accurate and complete. I am aware that there are significant penalties for willfully submitting false, inaccurate or incomplete information.



(Signature of Remediating Party Representative)

8 MAR 12

(Date)

STEVEN GUCCIARDI ENVIRONMENTAL PROJECT COORDINATOR  
(Printed Name and Title of Remediating Party Representative)

CITY OF CHARLOTTE  
(Printed Name of Company)

STATE OF

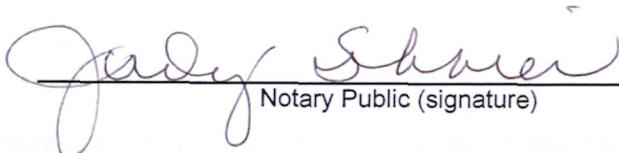
North Carolina

COUNTY OF

Mecklenburg

I, Judy Schnier, a Notary Public of said County and State, do hereby certify that Steven Gucciardi personally appeared before me this day, produced proper identification in the form of Drivers License, was duly sworn and/or affirmed, and declared that he or she is the owner of the property referenced above or is a duly authorized agent of said owner and that, to the best of his or her knowledge and belief, after thorough investigation, the information contained in the above certification is accurate and complete, and he or she then signed this Certification in my presence.

WITNESS my hand and official seal the 8th day of March, 2012



Notary Public (signature)



My commission expires:

My Commission Expires April 31, 2016

### Environmental Consultant Certification Statement

After first being duly sworn or affirmed, I, \_\_\_\_\_, hereby state that: I am over the age of eighteen, I am competent to make this certification based upon my own personal knowledge and belief, and, to the best of my knowledge and belief, after thorough investigation, the information contained herein is accurate and complete. I am aware that there are significant penalties for willfully submitting false, inaccurate or incomplete information.

\_\_\_\_\_  
(Signature)

\_\_\_\_\_  
(Date)

\_\_\_\_\_  
(Printed Name)

\_\_\_\_\_  
(Printed Name of Environmental Consultant)

STATE OF \_\_\_\_\_

COUNTY OF \_\_\_\_\_

I, \_\_\_\_\_, a Notary Public of said County and State, do hereby certify that \_\_\_\_\_ personally appeared before me this day, produced proper identification in the form of \_\_\_\_\_, was duly sworn and/or affirmed, and declared that he or she is an environmental consultant for the property referenced above and that, to the best of his or her knowledge and belief, after thorough investigation, the information contained in the above certification is accurate and complete, and he or she then signed this Certification in my presence.

WITNESS my hand and official seal the \_\_\_\_\_ day of \_\_\_\_\_, 200\_\_.

\_\_\_\_\_  
Notary Public (signature)

(OFFICIAL SEAL)

My commission expires: \_\_\_\_\_



Yards at NODA 400 E 33<sup>rd</sup> St. Charlotte, Mecklenburg Co. N.C.

Site Cleanup Questions:

**#3. Is the site completely surrounded by a locked fence? NO**

City owned s subject property is surrounded by vacant industrial property that is fenced but not locked.

**#5. Is site groundwater known to be contaminated? Yes**

Naphthalene was detected in the groundwater sample collected from temporary well MW-1 at a concentration of 2.6 micrograms per liter (ug/L) which is below the NCAC 2L Groundwater Standard of 21 ug/L.



Figure 1: City owned parcel





Figure 2: City owned parcel

\*City owned Properties are shown in yellow.







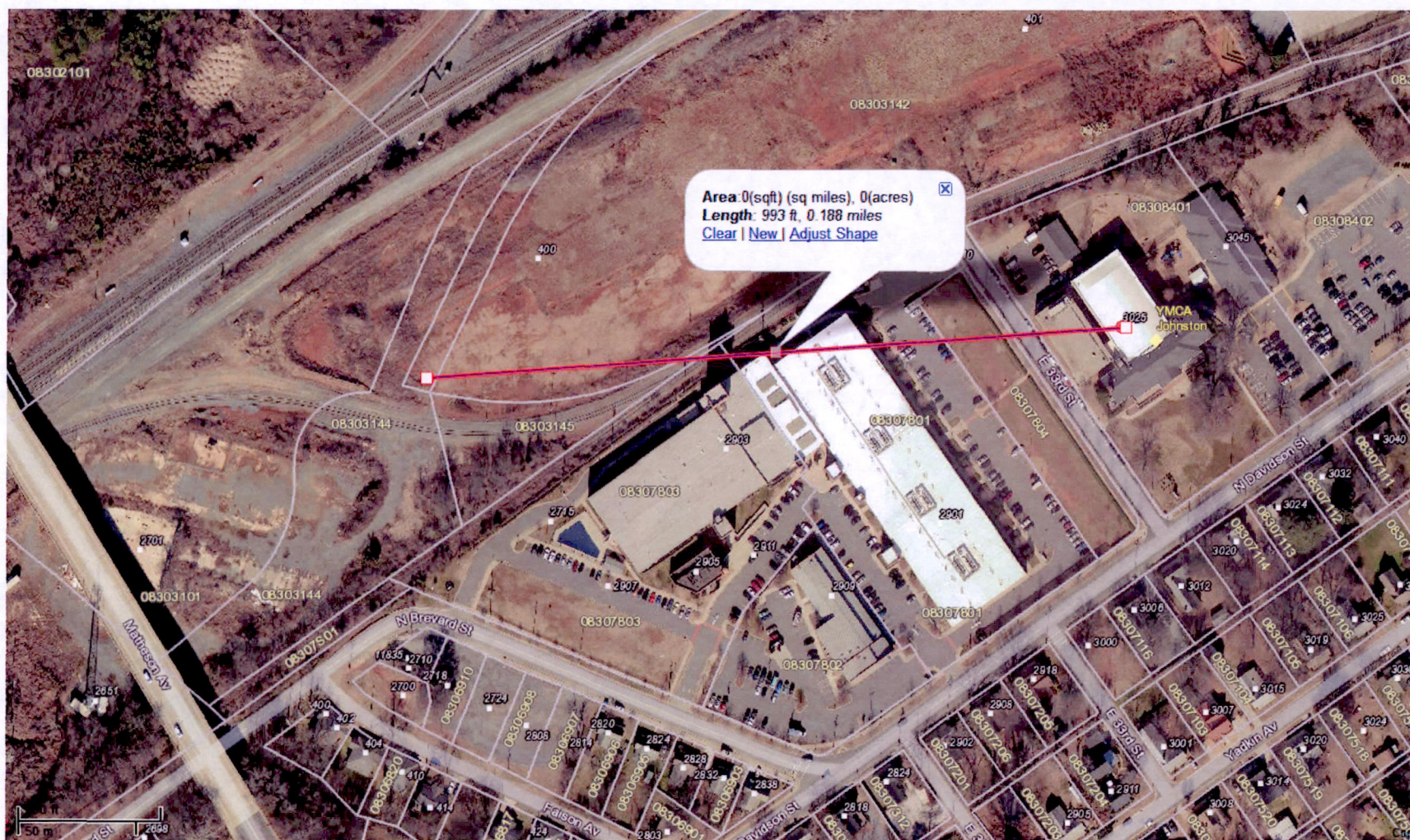


Figure 4: Daycare location 993 feet from subject site.





Figure 5: Distance of the subject site to a school 2,274 feet.









Figure 7: Stormdrainage located at the southern end of the subject site on parcel #08303144. Strom system ties into surface waters.



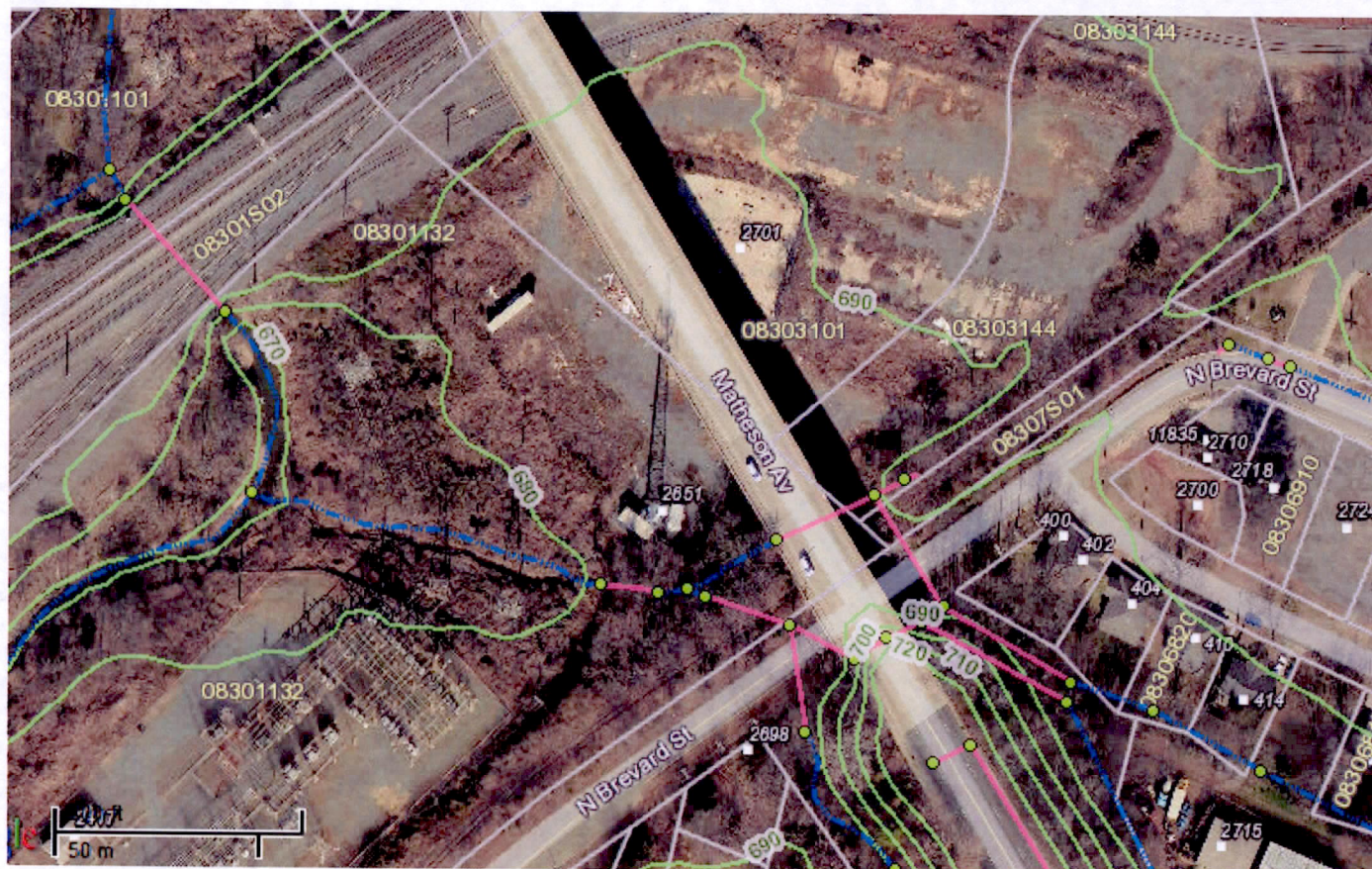
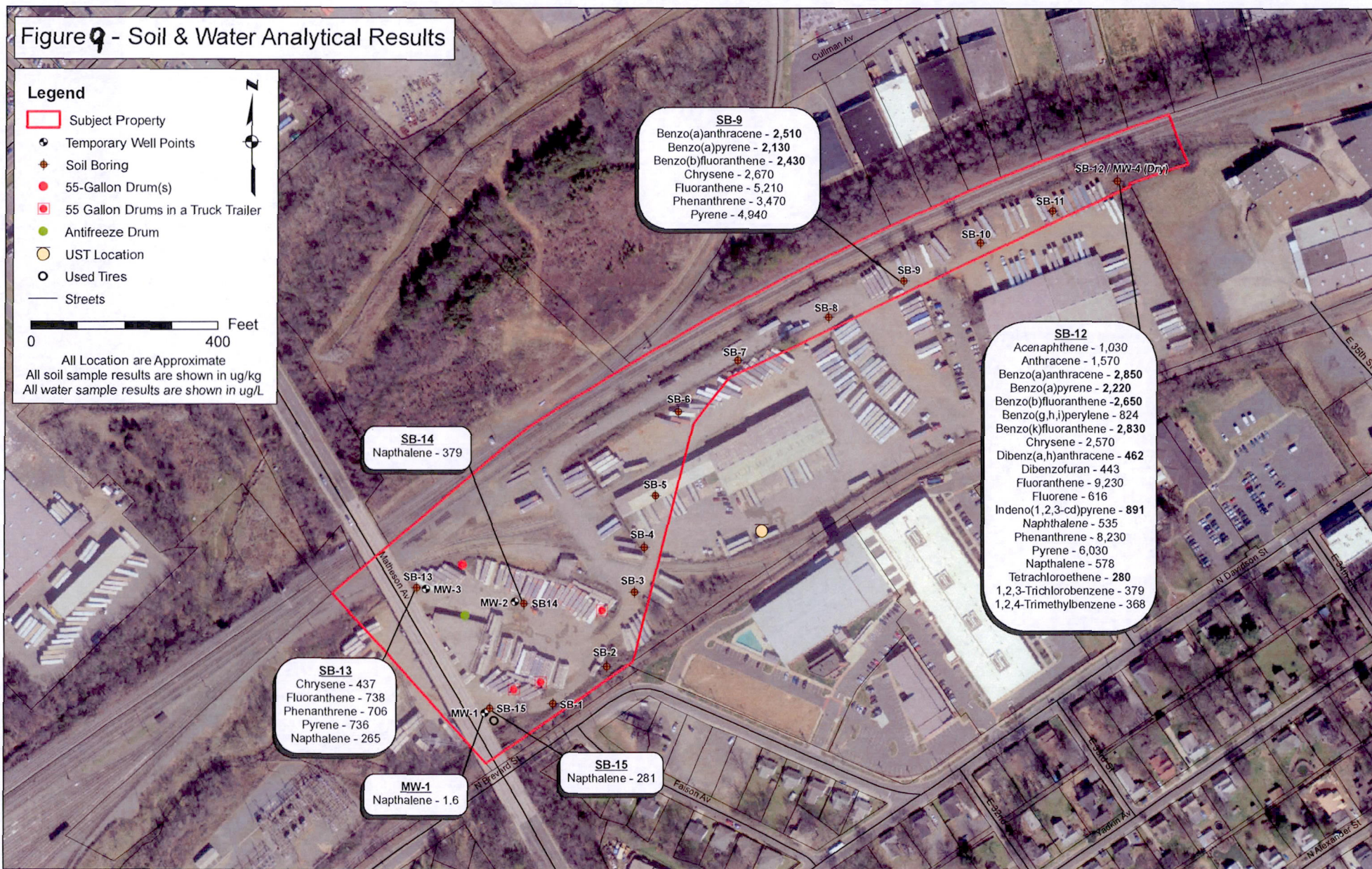


Figure 8: Close up of stormdrainage and surface water connections.



**Figure 9 - Soil & Water Analytical Results**







North Carolina Department of Environment and Natural Resources  
Division of Waste Management

Beverly Eaves Perdue  
Governor

Dexter R. Matthews  
Director

Dee Freeman  
Secretary

February 22, 2012

David Wolfe, P.E.  
Program Manager  
Environmental Services  
Engineering & Property Management  
600 East 4th St  
Charlotte, NC 28202

Re: **NOTICE OF REGULATORY REQUIREMENTS FOR CONTAMINANT ASSESSMENT AND CLEANUP**

Yards at Noda  
400 E. 33<sup>rd</sup> Street  
Charlotte, North Carolina  
Mecklenburg County

Dear Mr. Wolf:

It is our understanding that the City of Charlotte has recently purchased the Yards at Noda site from Gateway Homes. We received material which reports that this site has been contaminated by one or more hazardous substances. Depending on the contaminants involved and whether the contaminants have impacted or may impact groundwater quality, you will be required to assess and cleanup the contamination under one or more cleanup authorities. Regulatory oversight for the assessment and cleanup under all applicable authorities will be provided by the Division of Waste Management through its Superfund Section, Inactive Hazardous Sites Branch ("Branch").

Based on information provided to date, the Inactive Hazardous Sites Response Act ("IHSRA"), codified under N.C. Gen. Stat. § 130A-310, et seq., applies to your site. In addition, initial immediate actions may be required under 15A NCAC 2L, Groundwater Classifications and Standards.

**I. ACTIONS REQUIRED AT THIS TIME:**

**Complete the Site Cleanup Questionnaire.**

To comply with the requirements of State law, a Site Cleanup Questionnaire, available on the website noted at the end of this letter, must be completed and returned to this office. The information you provide will be reviewed along with other information to prioritize the site, so please make certain that the information you provide is complete and accurate. Please note that your failure to inform the Branch of any nearby potable



wells or other high risk conditions may adversely affect the Branch's ability to identify this site as a higher-risk site.

### **Take Initial Abatement Actions Required Under 15A NCAC 2L.**

If you have not already done so, you must take the initial abatement actions required under 15A NCAC 2L. Pursuant to 15A NCAC 2L .0106(b), any person conducting or controlling an activity which results in the discharge of a waste or hazardous substance to the groundwaters of the State, or in proximity thereto, shall take immediate action to terminate and control the discharge, and mitigate any hazards resulting from exposure to the pollutants. Pursuant to 15A NCAC 2L .0106(c), if groundwater standards have been exceeded, you must take immediate action to eliminate the source or sources of contamination. Beyond initial abatement actions, all assessment and remediation will be done through the IHSRA.

## **II. FUTURE ASSESSMENT AND CLEANUP ACTIVITIES:**

All correspondence regarding this site should be sent to the Branch. Future assessment and cleanup activities (activities conducted after the initial abatement steps required in 15A NCAC 2L) may be conducted through the Voluntary Cleanup Program (discussed below) or pursuant to an Order issued under N.C. Gen. Stat. § 130A-310.3. In addition, if you choose not to conduct a cleanup through the Voluntary Cleanup Program, the site may be referred to the United States Environmental Protection Agency ("EPA"). If so referred, EPA will screen the site for Federal enforcement action under the Federal Superfund Program, established under the Comprehensive Environmental Responsibility, Compensation, and Liability Act ("CERCLA").

## **III. VOLUNTARY CLEANUP PROGRAM:**

Under the IHSRA, persons who move forward to assess and remediate contamination, without being compelled to do so through formal legal action filed against them, are called "volunteers." To participate in the voluntary cleanup program, you will be required to enter into an administrative agreement with the Branch. The voluntary cleanup will proceed through the Registered Environmental Consultant Program or under direct oversight by the Branch Staff, as discussed below:

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If the Branch determines that the site should be assessed and remediated pursuant to direct State oversight, it will not be eligible for a REC-directed cleanup. Rather, the remedial action will receive direct oversight by Branch staff.

#### **IV. FAILURE TO RESPOND:**

If we do not receive a completed questionnaire, the Branch will take further action to prioritize the site without your input. Failure to take the initial abatement steps required in 15A NCAC 2L may result in the assessment of a civil penalty against you. In addition, the Branch may seek an injunction compelling compliance with the initial abatement steps required in 15A NCAC 2L. For future work beyond the initial abatement steps required pursuant to 15A NCAC 2L, a unilateral Order may be issued pursuant to N.C. Gen. Stat. § 130A-310.3 to compel assessment and cleanup.

#### **V. ADDITIONAL INFORMATION REGARDING THE IHSRA AND THE BRANCH:**

People are often confused by the name of the Inactive Hazardous Sites Response Act and the Branch. By definition, "Inactive Hazardous Sites" are any areas where hazardous substances have come to be located and would include active and inactive facilities and a variety of property types. The term "inactive" simply refers to the fact that cleanup was inactive at large numbers of sites at the time of program enactment. Additional information about the Branch may be found at: <http://portal.ncdenr.org/web/wm/sf/ihs/home>.

Submit completed questionnaire to:      Trudy Beverly  
Inactive Hazardous Sites Branch  
610 East Center Ave., Suite 301  
Mooresville, NC 28115

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If you have additional questions about the requirements that apply to your site, please contact me at (704) 663-1699.

Sincerely,



Trudy Beverly, Hydrogeologist  
NCDENR – Division of Waste Management  
Superfund Section - Inactive Hazardous Sites Branch  
Mooresville Regional Office



**Steven Gucciardi, CPESC**  
ENVIRONMENTAL PROJECT COORDINATOR

**ENGINEERING & PROPERTY MANAGEMENT**  
Engineering Services



**CHARLOTTE.**

600 East Fourth Street  
Charlotte, NC 28202-2844  
PH: 704.336.3632 FAX: 704.336.6586  
MOBILE: 704.577.5587  
sgucciardi@charlottenc.gov  
www.charlottenc.gov





FILE

North Carolina Department of Environment and Natural Resources  
Division of Waste Management

Beverly Eaves Perdue  
Governor

Dexter R. Matthews  
Director

Dee Freeman  
Secretary

February 22, 2012

Dave Ramsey  
Gateway Homes  
11121 Carmel Commons Blvd.  
Charlotte, North Carolina 28226

Re: **NOTICE OF REGULATORY REQUIREMENTS FOR CONTAMINANT ASSESSMENT AND CLEANUP**

Yards at Noda  
400 E. 33<sup>rd</sup> Street  
Charlotte, North Carolina  
Mecklenburg County

Dear Mr. Ramsey:

We received material which reports that your site has been contaminated by one or more hazardous substances. Depending on the contaminants involved and whether the contaminants have impacted or may impact groundwater quality, you will be required to assess and cleanup the contamination under one or more cleanup authorities. Regulatory oversight for the assessment and cleanup under all applicable authorities will be provided by the Division of Waste Management through its Superfund Section, Inactive Hazardous Sites Branch ("Branch").

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NCDENR – Division of Waste Management  
Superfund Section - Inactive Hazardous Sites Branch  
Mooresville Regional Office





**FILE**

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Secretary

February 22, 2012

David Wolfe, P.E.  
Program Manager  
Environmental Services  
Engineering & Property Management  
600 East 4<sup>th</sup> St  
Charlotte, NC 28202

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Sincerely,



Trudy Beverly, Hydrogeologist  
NCDENR – Division of Waste Management  
Superfund Section - Inactive Hazardous Sites Branch  
Mooresville Regional Office



Proctor - Yards at Noda site referral 1-13-11

From: Proctor, Roberta  
Sent: Thursday, January 13, 2011 12:40 PM  
To: Parris, Bruce  
Cc: Burch, Brent; Morris, Sean  
Subject: site referral  
Attachments: Yards at NODA-Gateway closed referral 1-13-11.doc

Attached is a letter referring a site to you. It is a site where drums containing hazardous wastes were discovered in Charlotte. The drums have been disposed and the contaminated soil excavated and disposed. However, there is contamination remaining that appears to be site-wide. The levels are not extremely high for the metals but I felt you needed to have the chance to review the site. I am forwarding several e-mails that contain the final report summarizing what occurred at the site. The document is in 10 parts. The letter to the facility is going out in today's mail as a certified letter.

Call or e-mail if you have questions.

Roberta Proctor  
Western Area Environmental Chemist  
Hazardous Waste Section - Division of Waste Management  
NC Department of Environment & Natural Resources  
PO Box 384  
Lake Lure, NC 28746  
828-625-0171  
Roberta.Proctor@ncdenr.gov

\*\*\*\*\*  
NOTICE: E-mail correspondence to and from this address may be subject to the North Carolina Public Records Law and may be disclosed to third parties by an authorized state official.  
\*\*\*\*\*





North Carolina Department of Environment and Natural Resources

Michael F. Easley, Governor

**VIA CERTIFIED MAIL**

William G. Ross Jr., Secretary

January 13, 2011

Dave Ransenberg  
Gateway Homes, LLC  
11121 Carmel Commons Blvd. #350  
Charlotte, N.C. 28226

Re: Gateway Development Property, (Yards at NODA), 400 East 33<sup>rd</sup> Street, Charlotte, NC

Dear Mr. Ransenberg:

I have reviewed the final closure plan submitted by your contractor for the assessment and remediation of the contamination resulting from the abandoned containers at this site. While the immediate danger from the containers of waste and the grossly contaminated soil has been remediated, post-excavation sampling shows that several metals, semi-volatile organic compounds and petroleum hydrocarbons remain in the soil exceeding the Inactive Hazardous Waste Section clean up levels. This contamination, while not a high levels, is wide spread and likely is the result of past uses of the site, not from this incident. For this reason, while no further action is required for this incident under the Hazardous Waste Section, this site is being referred to the In Inactive Hazardous Waste Branch for their review. Questions can be directed to:

Mr. Bruce Parris, Inactive Hazardous Waste Branch  
Mooresville Regional Office  
610 East Center Avenue  
Mooresville, NC 28115  
(704) 663-1699

If you have any questions concerning this matter, please contact me at the number listed below.

Sincerely,

Roberta Proctor, Environmental Chemist  
Hazardous Waste Section

cc: Brent Burch  
Sean Morris  
Bruce Parris, via electronic mail  
Central Files

One  
North Carolina  
*Naturally*

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